

REMARKS

Claims 31-65 and 83-97 are pending in this application. Claims 31, 34, 37, 40, 43, 45, 48, 51, 54, 57, 60 and 63 have been amended. In particular, independent claims 31, 37, 43, 48, 54 and 60 have been amended to make clear that the sugar shelled candy or jellybean are conveyed in a conveyor past the print head of the ink jet printer during printing in a single pass to obtain a printed image having resolution greater than 200 dpi. Support for this change can be found, for example, at page 18, line 32 to page 19, line 2, page 20, lines 7-13 and original claim 34. Accordingly, this change is not new matter. The dependent claims were amended to remove subject matter now incorporated in the independent claims.

The undersigned and applicants would like to thank the Examiner for the kind courtesy of the interview on December 10, 2009. At the Interview, it was explained to the Examiner that the invention for the present application differed significantly from the disclosure of Over. It was noted that while Over describes the possibility of a multi-station machine, with spaced graphics units that may be spaced from each other so that objects move along a straight path from one graphics unit to another (see Col. 8, lines 4-11), there is no disclosure or suggestion that this would be done without the use of “[t]he control unit 60 that enables the application of the graphics to such objects by maintaining the object at a desired distance or within an acceptable range of distances relative to the graphics unit 30 during the application process.” Col. 6, lines 30-40. In other words, Over teaches that you would stop an object at each graphics unit and manipulate the object or graphics unit to print on a curved surface of the object. To the contrary and as explained to the Examiner, the present invention conveys the sugar shelled candy or jellybean past the

print head during printing in a single pass to create a high resolution image. The claim has been amended to make clear that the candy passes the print head during printing to form a high resolution image, which allows for the continuous movement of a plurality of sugar shelled candies or jellybeans past the print head as the image is created. Applicants respectfully submit that none of the art of record discloses or suggests the presently claimed invention.

In addition, Applicants incorporate by reference herein arguments made with respect to Over in Applicants' prior responses and preserve those arguments for appeal. In particular, the Examiner is asked to carefully consider the previously filed declarations regarding the commercial success of the presently claimed invention. As discussed with the Examiner at the interview, the Michael Declaration makes clear by comparison of M&M'S® Brand Milk Chocolate Candies custom color product with the customized image product produced according to this invention that the success of the product is not simply predicated upon the sugar shelled candy being an M&M'S® Brand Milk Chocolate Candy. It is respectfully submitted that the established commercial success, which has been clearly shown to have a nexus to the claimed invention, rebuts any *prima facie* case of obviousness that might be deemed established by the Examiner.

CONCLUSION

For at least the foregoing reasons, it is respectfully requested that the rejections of record be withdrawn and the pending claims be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should be directed to our address given below.

Respectfully submitted,

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